THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.3949 of 1998

11th July 2006

Between:

1. M.Apparao, s/o.Appanna, 48 years,T.No.1134, Adhoc, TXR/C&W/S.E.Rly,Waltair, r/o.104 area, Mearipalam, Visakhapatnam.

And two others.

...PETITIONERS

AND

1. The Divisional Personal Officer, S.E. Railways,, Waltair, Visakhapatnam.

And five others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.3949 of 1998

ORDER: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

The petitioners are the unsuccessful applicants before the Central Administrative Tribunal, Hyderabad ('the Tribunal' for brevity), who filed the Writ Petition, *inter alia*, seeking to assail the order dated 24.12.1997 in O.A.No.1719 of 1997 on the file of the Tribunal wherein the petitioners sought for a declaration that they are entitled to promotion on par with their juniors.

The case of the petitioners is that in spite of the fact that they were reverted; the services of the juniors were being continued. As against the reversion, earlier the petitioners filed O.A.No.948 of 1997 on the file of the Tribunal, which was disposed of at the admission stage directing the respondents to consider and dispose

of the petitioners' representation dated 16.03.1997 in accordance with law within a period of three months from 28.07.1997. Against the said representation, the respondents issued proceedings dated 24.10.1997 rejecting the case of the petitioners. The petitioners filed the present Writ Petition against the order dated 24.12.1997 in O.A.No.1719 of 1997 in spite of challenging the proceedings dated 24.10.1997 rejecting the case of the petitioners. The petitioners cannot seek any relief by way of this Writ Petition when the proceedings dated 24.10.1997 remained unchallenged.

Having heard on either side and on perusal of the material available on record, we are in entire agreement with the reasoning given by the Tribunal that when the proceedings dated 24.10.1997 rejecting the petitioners' request remained unchallenged, especially when no reason is forthcoming for such non-challenge, we do not find any merits in the Writ Petition.

The Writ Petition is accordingly dismissed. No costs.

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(B.PRAKASH RAO, J)

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(RAMESH RANGANATHAN, J)

11th July 2006
RRB

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